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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Smith, et al.

Serial No.: 09/822,913

Group No.: 2632

Filed: March 30, 2001

Examiner: Nguyen, Tai

For: Battery Voltage Indicator in a Portable Computing Device

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Assistant Commissioner for Patents
Washington, DC 20231

Sir:

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ARGUMENTS IN SUPPORT OF PATENTABILITY UNDER 37 CFR 1.114

In reply to the Final Rejection dated January 27, 2003, and in connection with the filing herewith of a Request for Continued Examination, Applicant respectfully requests that the Examiner reconsider the application in view of the following arguments in support of patentability of the pending claims.

ARGUMENTS IN SUPPORT OF PATENTABILITY

Claims 1-3 and 5-9 are pending in the application. All pending claims are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,459,671 ("Duley"). Applicants respectfully traverse such rejection.

Independent claims 1 and 8 recite, among other things, “providing a battery status indicator to an applications program on the computing device for display via *a user interface of the applications program.*” Applicants respectfully submit that, in contradistinction to the claimed invention, Duley does not teach or suggest displaying the battery status indicator via a user interface of an applications program.

The Examiner cites Duley as providing a battery status indicator to an “applicant” program on the computing display (12,20) via user interface (col. 5, ll. 4-15). Duley nowhere teaches, explicitly or implicitly, that the battery status is displayed via a user interface of an application program as recited in claims 1 and 8. In fact, Duley only superficially discloses that the battery information is passed to “computer display 12” or “icon display 20.” Neither the computer display nor the icon display is a user interface of an applications program. Specifically, Duley describes the computer display as a “conventional computer display” and the icon display as a “liquid crystal display (LCD) readout mounted on or near the keyboard.” See col. 4, ll. 1-8; col. 5, ll. 4-15.

Duley nowhere suggests “providing a battery status indicator to an applications program on the computing device for display via *a user interface of the applications program*” as recited in claims 1 and 8. Consequently, the present application, including all the pending claims contained therein, is patentably distinct from the art of record.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner believes that the present application is not allowable for any reason, the Examiner is encouraged to contact the undersigned attorney to discuss resolution of any remaining issues.

Date:

4/28/03

Respectfully submitted,



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